

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Matthew A. Arrington**

**Docket No. 5:11-MJ-1368-1**

**Petition for Action on Probation**

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment of Matthew A. Arrington, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 5), was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on July 12, 2011, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.

On August 5, 2011, as a result of the defendant's marijuana use, the court modified the conditions of probation to include the following:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On September 1, 2011, the defendant signed an admission acknowledging his use of marijuana on August 17, 2011. The defendant reports this use occurred just after learning of his brother's murder. Arrington recently completed his Driving While Impaired assessment and reports he will be commencing his 20 hours of counseling this week. To monitor his drug use, he has been enrolled in our Surprise Urinalysis Program. As a sanction for this conduct, we are recommending that the conditions of probation be modified to include an additional 24 hours of community service work. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Eddie J. Smith  
Eddie J. Smith  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: September 6, 2011

**ORDER OF COURT**

Considered and ordered this 7th day of September, 2011, and ordered filed and made a part of the records in the above case.

  
James E. Gates  
United States Magistrate Judge